REMARKS

The Office Action dated February 18, 2004, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Claim 4 has been amended to correct a minor informality. Claim 14 has been amended. Applicants submit that the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 2-7, 9-12 and 14-17 are pending in the present application and are respectfully submitted for consideration.

Claims 2-7, 9-12 and 14-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Joao (U.S. Patent No. 5,917,405). Applicants respectfully traverse the rejection and submit that each of claims 2-7, 9-12 and 14-17 recites subject matter that is neither disclosed nor suggested by the cited prior art.

Claim 4 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle. The on-vehicle unit includes a vehicle condition monitor for monitoring a condition of the vehicle at a predetermined interval and for outputting vehicle condition data, an on-vehicle communicator for sending at another predetermined interval the vehicle condition data output from the vehicle condition monitor. The vehicle monitoring system also has a data server for communicating with the on-vehicle unit. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator, a storage section for storing the vehicle condition data from a predetermined past time to the present, and an abnormality determining

section for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. In addition, the vehicle monitoring system has a portable communicator for communicating with the data server. The server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator. In an emergency condition, the on-vehicle communicator sends emergency information to the data server regardless of the another predetermined interval.

Claim 9 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle and a data server for communicating with the on-vehicle unit. The on-vehicle unit includes a vehicle condition monitor for monitoring a condition of the vehicle at a predetermined interval, and for outputting vehicle condition data, and an on-vehicle communicator for sending at another predetermined interval the vehicle condition data output from the vehicle condition monitor to the data server. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator, a storage section for storing the vehicle condition data from a predetermined past time to the present, and an abnormality determining section for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. A portable communicator communicates with the data server and the server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable

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communicator. In an emergency condition, the on-vehicle communicator sends emergency information to the data server regardless of the another predetermined interval.

Claim 14 recites a vehicle monitoring system having an on-vehicle unit provided in a vehicle which includes a data server for communicating with the on-vehicle unit. The data server comprises a vehicle condition monitor for monitoring a condition of the vehicle at a predetermined interval and outputting vehicle condition data, an on-vehicle communicator for sending at an predetermined interval the vehicle condition data output from the vehicle condition monitor, a driver for driving a part of the vehicle, and a server communicator for communicating with the on-vehicle unit and with a portable communicator. The data server further includes a storage section for storing the vehicle condition data, from a predetermined past time to the present, output from the vehicle condition monitor, an abnormality determining section for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle. An on-vehicle communicator sends at another predetermined interval the abnormality informing signal output from the abnormality determining section to the data server. The data server includes a server communicator that receives the vehicle condition data sent from the on-vehicle communicator. A portable communicator is provided for communicating with the data server. The server communicator sends the abnormality informing signal output from the abnormality determining section, to the portable communicator. In an emergency condition, the on-

vehicle communicator sends emergency information to the data server regardless of the another predetermined interval.

Accordingly, at least the essential features of the present invention "a storage section for storing the vehicle condition data from a predetermined past time to the present" and "an abnormality determining section for determining whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle" stored within the data server. As such, the present invention results in the advantage where the user of a vehicle can monitor the condition thereof when the user is not proximately close to the vehicle.

It is respectfully submitted that the prior art fails to disclose or suggest the elements of the Applicants' invention as set forth in claims 2-7, 9-12 and 14-17, and therefore fails to provide the advantages that are provided by the present application.

Joao discloses a control apparatus for a vehicle comprising a transmitter system for transmitting a signal over a communication system upon activation by the owner of a motor vehicle or the like. The transmitter consists of a user interface device and a receiver. The transmitter system is located external from or separate from the vehicle. A CPU is connected with the receiver for receiving the signals generated by the receiver. The CPU may also have a transmitter for transmitting signals to the transmitter/receiver. In this manner, the CPU may respond to user data transmissions, commands, or inquiries. When used in conjunction with the apparatus, each of the vehicle equipment systems may be activated, de-activated, reset or in some other way

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controlled and/or monitored by the apparatus. Additionally, an arming device and an activation device may be utilized in conjunction with the apparatus in place of the transmitter/receiver combination so as to provide an automatic monitoring and/or activation of the apparatus. Automatic activation may also be programmed by the user or operator via command codes with apparatus operation activated upon the occurrence, or lack thereof of a specified event.

Applicants respectfully submit that each and every element recited within claims 4, 9 and 14 is neither disclosed nor suggested by Joao. In particular, Applicants submit that the vehicle monitoring system as recited in the present application is clearly distinct from that which is illustrated in the cited prior art. Specifically, it is submitted that the cited prior art fails to disclose or suggest at least "a data server ... comprising ... a storage section for storing the vehicle condition data from a predetermined past time to the present; an abnormality determining section for determining whether an abnormality has occurred in the vehicle ..."

In the outstanding Office Action, the Examiner took the position that "the vehicle monitoring device such as audio and/or video recording devices or camera is equipped with a storage medium ..." reads on the element of the "storage section for storing the vehicle condition data from a predetermined past time to the present" of the present invention; and took the position that "the CPU 4" reads on the "abnormality determining section" of the present invention. Applicants submit that the audio and/or video recording devices and the CPU 4 located within the vehicle of Joao, are neither

comparable nor analogous to the storage section and the abnormality determining section as recited in the present application, respectively.

Although Joao discloses video recording device(s) or camera(s) that may be equipped with a storage medium, for storing the recorded video and/or picture(s), it is submitted that the video recording device(s) or camera(s) of Joao are located on the interior of the vehicle. (See column 23, lines 18-20 of Joao) In addition, the CPU 4 of Joao is a component of apparatus 1, and they are both separate and distinct from the server computer 510. (See Figure 5B of Joao).

In contrast, the present invention provides "a data server ... comprising ... a storage section ... " and "an abnormality determining section ...". In other words, the storage section and the abnormality determining section of the present invention are disposed within the data server, and separate from the on-vehicle unit.

Given the above, Applicants submit that Joao fails to disclose each and every element recited within claims 4, 9 and 14 of the present application, and therefore is allowable.

Claims 2, 3, 5-7 depend from claim 4, claims 10-12 depend from claim 9, and claims 15-17 depends from claim 14, Applicants submit that each of these claims incorporates the patentable aspects thereof, and are therefore allowable for at least the reasons set forth above with respect to the independent claims.

In view of the above, Applicants respectfully submit that each of claims 2-7, 9-12 and 14-17 recites subject matter that is neither disclosed nor suggested in the cited prior art. Applicants also submit that the subject matter is more than sufficient to render

the claims non-obvious to a person of ordinary skill in the art, and therefore respectfully request that claims 2-7, 9-12 and 14-17 be found allowable and that this application be passed to issue.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300 referencing Attorney Docket No. 107439-00034.

Respectfully submitted,

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